

**FWP Commission Policies
Recommended for Repeal because they are
Out-of-Date or Obsolete**

January 2012

9.

LAND ACQUISITION POLICIES -- See Item 5 -- Discussion continued on the proposed land acquisition policies. The State Parks and Recreation proposal listed the various legal ways the Commission may acquire these areas which includes condemnation. The Commissioners agreed to omit this method as they do not foresee the use of condemnation in obtaining land for recreational purposes. The other change they agreed upon was to omit the word "trout" in describing streams.

MOTION, Mr. Hagenston: "I move to adopt the following Land Acquisition Policy:

WHEREAS, a GOAL of the Montana Department of Fish and Game is to benefit the people of Montana and visitors with the optimum outdoor recreational opportunities; emphasizing the tangible and intangible values of wildlife and the natural and cultural resources of aesthetic, scenic, historic, scientific, and archaeologic significance, in a manner consistent with the capabilities and requirements of the resources, recognizing present and future human needs and desires, and ensuring maintenance and enhancement of the quality of the environment;

WHEREAS, the Montana Fish and Game Commission has the authority to set policies for and approve department acquisitions of interests in land;

WHEREAS, for fishing access, the Montana Department of Fish and Game has the duty to purchase fishing access sites from funds earmarked for that purpose;

WHEREAS, for wildlife habitat and access, under the stated GOAL the department has a two-fold responsibility to the people and to their wildlife resources:

(1) to protect, preserve, and enhance the habitat that produces a diverse supply of wildlife that is an integral part of Montana's heritage; and

(2) to provide current and future generations of people an equitable distribution of diverse and high quality, wildlife-oriented recreation (including hunting and appreciative uses of wildlife);

WHEREAS, for wildlife habitat and access, wildlife is a beneficial product of the land and intensifying human uses of Montana's land are diminishing the capability of the land to produce optimum and diverse supplies of wildlife;

WHEREAS, for wildlife habitat and access, human demands are increasing for the tangible and intangible values of wildlife -- and these values are important to the quality of human life in Montana and are public benefits;

WHEREAS, for wildlife habitat and access, in certain circumstances department ownership and control of land provide the maximum opportunity to manage wildlife habitat;

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WHEREAS, for state parks and recreation areas, the Montana Department of Fish and Game may purchase, lease, enter into agreements or accept donations to acquire for the state, areas, sites, and objects which in its opinion and following proper appropriation should be held, improved, and maintained as state parks, state recreational areas, state monuments, or state historical sites under Section 62-304, for the purpose of conserving the scenic, historic, archaeologic, scientific, and recreational resources of the state;

WHEREAS, for surplus lands, the Department of Fish and Game with the consent of the Commission has the authority to dispose of surplus lands and;

WHEREAS, surplus lands require the obligation of funds for operation and maintenance while they no longer meet the needs for which they were purchased.

NOW, THEREFORE, the following policy is established:

FOR FISHING ACCESS AREAS:

1. Distribution of areas purchased (both by region and by type of water) will be based primarily on fisherman access needs as determined by the best available methods for consideration of supply and demand.
2. The determining factor in each access site evaluation will be the relative need for fisherman access in that particular area. Secondary benefits will be considered in evaluating sites where fisherman access needs are comparable. However, where fisherman access sites are adequately meeting the needs of anglers, the department will not expand, add to, or further develop any site with fisherman access funds merely to accommodate increasing demands for secondary uses.
3. On larger prime fishing streams where navigability is not in question, smaller sized areas should be purchased and left relatively undeveloped for secondary uses. On smaller streams where navigability is questionable, access areas should be large enough to accommodate an appreciable amount of angling directly from the area. These larger areas may be developed for full accommodation of secondary uses.
4. State dollars for fisherman access purchase will be matched with available federal dollars wherever this is appropriate.

FOR WILDLIFE HABITAT AND ACCESS AREAS:

To carry out land acquisition under Section 26-104.6, R.C.M. 1947, and related statutes, the department shall acquire, develop, and manage land to protect, maintain, and provide the wise use of wildlife resources for public benefit now and in the future.

FURTHER, in order to properly administer this policy, the Commission establishes the following guidelines.

WHEREAS, the Montana Fish and Game Commission is both legally and morally responsible for protecting the fish and wildlife of this state and the habitat essential to their existence,

NOW, THEREFORE, BE IT RESOLVED, that the Montana Fish and Game Commission adopts as a matter of policy the vigorous protection of all surface resources essential to the maintenance of fish and wildlife populations affected by leasing, exploration, extraction, and transportation of energy resources in the State of Montana, and

BE IT FURTHER RESOLVED that this concern be transmitted to all relevant agencies, state and federal, and that systematic procedures be established with those agencies and the Montana Fish and Game Department for the transmittal and consideration of pertinent fish and wildlife information, and

BE IT FURTHER RESOLVED that any energy resource development activity found incompatible with maintaining Montana's fish and wildlife resource, or unwilling to consider the needs of fish and wildlife, shall be opposed in defense of the resource for which the Montana Fish and Game Commission is responsible.

DATED this 16th day of December, 1976.

MONTANA FISH AND GAME COMMISSION
/s/ Willis B. Jones, Chairman

Attest:

/s/ Wesley R. Woodgerd, Secretary "

Seconded by Dr. Pengelly. Carried.

12. STRATEGIC PLAN -- Administrator of the Planning Division Don L. Brown distributed draft copies of the five-year strategic plan. This represents a three-year effort in collecting supply-demand-management data on all wildlife and fish species from field personnel, a compilation of available supply and strategies for meeting demand. The Commissioners were invited to comment on the first draft; hopefully the final draft will be available March 1st.

13. DNR CONTRACT -- Mr. Brown reviewed the budget amendment approved for the 1976 FY in the amount of \$21,500.00 from the Department of Natural Resources and Conservation for services to the state water planning program. At the end of the fiscal year, \$11,400.00 remained and a budget amendment was requested to spend this money in the present fiscal year.

MOTION, Dr. Pengelly: "I move to approve submission of a budget amendment to spend \$11,400.00 contributed by the Department of Natural Resources and Conservation for services provided to the state water planning program." Seconded by Mr. Hegstad. Carried.

14. GALLATIN CANYON ELK STUDY COMMITTEE -- Copies of the minutes of the August 11, 1976, meeting of the Gallatin Canyon Elk Study Committee were distributed. Committee Chairman Hegstad asked the Commission for direction concerning the activities and goals of the committee. Member

The Chairman signed a congratulatory letter for Mrs. Mary Oliver, Region 4 Secretary, for presentation with a brooch and plaque. Mrs. Oliver will retire December 31, 1976.

8. FORESTRY CONSULTANT -- Item 9, 11-10-1976 -- Mr. Donald M. Wood of Wood Forestry Services, Lolo, was present for consideration of an agreement for his services as consultant in managing the timber sale contract on the Mt. Haggin acquisition. There was general discussion of his duties and provisions of the agreement. The Louisiana-Pacific Corporation which has the logging contract has confined its activities to road building this season. The Commission requested progress reports and Mr. Woods was agreeable to reporting to the Director monthly or at appropriate times.

MOTION, Dr. Pengelly: "I move to accept the agreement with Donald M. Wood, Wood Forestry Services, Lolo, to serve as consulting forester to manage the timber sale contract on the Mt. Haggin land acquisition subject to the Commission being informed at the next succeeding Commission meeting of action taken either by the Consultant or the Director, and authorize the Chairman and Secretary to sign the agreement." Seconded by Mr. Hagenston. Carried.

9. MAC - POLICY ON OPENING DATES -- Item 15, 11-10-1976 -- The Commission recessed at 9:00 a.m. for the public hearing on the proposed amendment to Rule 12-2.10(2)-S1060 relating to opening dates of the big game season. The hearing closed at 10:30 a.m.

10. SHIKAR-SAFARI AWARD -- the meeting reconvened briefly during the hearing for the presentation of the Shikar-Safari award to the outstanding warden for 1976. Mr. David Cameron of Cascade represented the club in presenting the award to State Fish and Game Warden Ronald W. Carlson of Polson. Warden Carlson has maintained an effective working relationship with the Flathead Tribal Council, handles many bear depredation problems in the cherry orchards, and his district has heavy water recreation use.

The meeting reconvened at 10:35 a.m. with all members present.

11. OIL AND GAS LEASING RESOLUTION -- Item 19, 11-10-1976 -- The Chairman read the policy statement concerning oil and gas leasing on public lands that had been discussed at the November meeting. The resolution advises public agencies having control over leasing for oil and gas that where there is a conflict, the Commission will defend fish and wildlife populations and habitat.

MOTION, Mr. Hegstad: "I move to adopt the following resolution with copies to be sent to the U. S. Forest Service, Bureau of Land Management, Department of State Lands, and the Skyline Sportsman's Association:

WHEREAS, the domestic demand for energy resources has caused greatly accelerated leasing and exploring for energy reserves in the State of Montana, and

WHEREAS, Montana's exceptional fish and wildlife resource depends upon the surface resources of vegetation and water found over the geological formations suspected or known to contain these energy reserves, and

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Hunting District	Quota
322	10
323	40
324	10
331	5
332	5
333	10
334	10

Hunting District	Quota
361	20
46	5 Bulls
512	10
513	15
514	10
515	5
516	15

Seconded by Mr. Rieder. Carried.

33. ANTELOPE COLLECTION -- Cooperative Wildlife Research Unit personnel, University of Montana, requested permission to collect 14 antelope from the National Bison Range at Moiese and to take a fawn to raise in Missoula for experiments in hormonal control of horn growth.

MOTION, Mr. Emmons: "I move to authorize a scientific collector's permit for Dr. Bart W. O'Gara and associates, University of Montana, Missoula, to collect 14 adult male antelope between June, 1971, and June, 1972, and to take a female pronghorn fawn from the National Bison Range at Moiese to raise in Missoula for scientific study." Seconded by Mr. Rieder. Carried.

34.

BLACK BEAR POLICY -- Mr. Freeman discussed a proposed policy on black bear which would provide department personnel with necessary guidelines for handling bear depredation incidents.

MOTION, Mr. Rieder: "I move to adopt the following black bear policy:

WHEREAS, the black bear is a game animal regulated by seasons and considered a trophy big game animal and only the head and hide need be removed from a legally killed animal;

NOW, THEREFORE, BE IT RESOLVED, that the following policy shall be adopted by the Commission to guide in the management of black bear.

- A. Black bear may be hunted and killed in recreational pursuit by a duly licensed hunter under the statutes of the Revised Codes of Montana and rules and regulations promulgated by the Fish and Game Commission. Field personnel shall endeavor to encourage recreational bear hunting and utilize hunters to alleviate complaints when possible.

When feasible, department personnel shall cooperate with duly licensed hunters desiring a trophy black bear when direct control measures must be used.

- B. A black bear causing damage to private or public property or depredations to livestock shall be reported in a game depredation report or a bear and lion justification report to the Fish and Game Department.

32. ARCHERY RECOMMENDATIONS were submitted by Mr. Bob Savage, President of the Gallatin Bowhunters' Association, Bozeman.

33. ELK FEEDING -- (Item 53, December 12, 1969) -- Mr. Freeman discussed a proposed policy on artificial feeding of game animals on Commission-owned lands. Mr. Herron had advised that the Commission has authority to regulate this activity on lands owned or controlled.

MOTION, Mr. McCaffery: "I move to adopt the following policy:

Artificial Feeding of Game Animals
on Commission-Owned Lands

Past experience, in Montana and elsewhere, has shown that artificial feeding of game animals is not a sound game management program -- neither economically nor biologically. It is expensive, is not good for the animals, and not good for the range upon which these animals are dependent. It can only be justified under extreme winter conditions which indicate a winter loss of major proportions is imminent.

Therefore, when it has been determined that extreme winter conditions exist on Commission-owned lands, an emergency feeding program may be undertaken and the following regulations shall be policy:

1. Invite local sportsman's groups to participate in the program.
2. Feed only hay of high quality free from all forms of pollution.
3. Feed hay in sufficient quantity so that at least some hay is left uneaten. (This normally means about 12 pounds per animal per day.)
4. Feed will be scattered over large areas in an attempt to maintain a normal distribution.
5. The Department will determine feeding areas and only those areas will be utilized. These are wild animals and consideration must be given to the establishment of feeding areas located specifically to avoid harassment."

Seconded by Mr. McDonough. Carried.

34. GEORGETOWN LAKE -- Mr. Sig Cecconi and Mr. Charley Johnson of the Anaconda Sportsman's Club reported that fishing limits on Georgetown Lake are being abused and recommended that the limit be reduced to ten fish of all species. They said most of the littering takes place during the evening and asked that the winter fishing hours be restricted to 6 a.m. to 6 p.m.

MONTANA FISH AND GAME COMMISSION

Big Game Winter Feeding Policy

THE MONTANA FISH AND GAME COMMISSION RECOGNIZES THAT:

1. The big game resources of Montana are managed by the Montana Department of Fish, Wildlife & Parks for the benefit of the hunting and non-hunting public, and artificial or supplemental feeding of big game animals during winter is rarely, if ever, necessary to maintain populations of those species;
2. Winter feeding programs may be to the biological and ecological detriment, rather than the benefit of wild, free-ranging big game populations, and they may generate dependency of big game animals on artificial food, thereby promoting increased depredation of agricultural crops and transmission of diseases; and
3. Costs of winter feeding programs can be very high, and subsequently can seriously jeopardize the entire ongoing wildlife program of the department.

THE POLICY OF THE COMMISSION, THEREFORE, IS:

1. To avoid feeding big game animals during winter, except in extreme emergencies, and to include contingencies for emergency winter feeding only in those management plans developed for high priority areas or in response to special land use situations;
2. To encourage the department to continue developing predictive capabilities for big game population trends and to establish appropriate liberal or restrictive fall harvests of these species;
3. To encourage the department to continue identifying key big game winter ranges for preservation through acquisition, leasing, changes in land use practices, or conservation easements; and
4. To encourage department personnel to actively participate in federal, state and local planning processes through which key big game winter ranges may be preserved.

Rich DeSimone, Wildlife Biologist, stated that today we can hunt elk in more areas than in the past, particularly in eastern Montana. There are more elk hunters, more elk harvested, more total bulls harvested and more branch antlered bulls harvested. There's a dramatic increase in number of elk hunters as well as an increase in the total elk harvested. The proportion of branch antlered bulls to the total elk harvested has continued to decrease.

John Firebaugh, Wildlife Biologist, explored the question of what's happening to the percentage of branch antlered bulls, the change in the percentage of branch antlered bulls in the harvest, as well as how the age structure of those harvested has changed. He discussed some different types of season and recommendations.

Arnie Olsen summarized that there is seven percent more area to hunt elk in 1985 than in the 60's; we've been able to maintain a five-week general season; reduced early rifle season, increased late season and early archery hunting; reduced either sex hunting. Stable or slightly increased number of branch antlered bulls harvested, but percentage in overall bull harvest has declined significantly in some areas. Hunter success has declined slightly over the last 20 years from about 20 to 17 percent. There is a lot of differences between the regions in bull harvest. Hunting opportunity for bulls in 24 hunting districts was excellent, good in 52, fair in 30, poor in 12. This does not mean hunting for cows or spikes was poor. Habitat is the key for elk. The Department's cooperation with land management agencies with respect to road closures, timber harvest methods and time of cut, maintaining roadless areas, are vital to providing secure elk habitat. This helps to maintain a better distribution of bull harvest throughout the season, prevent additional season restrictions, provide good hunter opportunity or freedom of choice.

In summary for both deer and elk, there will probably be changes in some season structure for elk. East of the divide expect variations in numbers of large bucks. There is no shortage or major problem statewide with large antlered animals, either deer or elk; but there is a tremendous increase in competition for a limited resource. Regarding archery, 10 percent of branch antlered bulls taken, and 5 percent of the total bulls taken. Total elk numbers are up, total bull harvest is up, percentage of branch antlered bulls is down, hunter numbers are up. To produce elk, there has to be a joint commitment between the Department and federal land management agencies, and also a consideration of tolerance by private landowners.

6. WINTER FEEDING POLICY

1. Avoid feeding big game animals during winter, except in extreme emergencies, and to include contingencies for emergency winter feeding only in those management plans developed for high priority areas or in response to special land use situations.
2. To encourage the Department to continue developing predictive capabilities for big game population trends and to establish appropriate fall harvest of these species.

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3. To encourage the Department to continue identifying big game winter ranges for preservation through acquisition, leasing, changes in land use practices or conservation easement.
4. To encourage Department personnel to actively participate in federal, state and local planning processes through which key big game winter ranges may be preserved.

MOTION: Jensen: "I move to accept the Department's recommendation on winter feeding policy as stated above."

Olson seconded, motion carried.

7. RIVER OTTER

Nebraska requested some river otter to transplant to their state. There are sufficient numbers of otter so the Department recommended sending two or three pairs a year for two years. They will be from the Big Hole area. Nebraska will pay the costs.

MOTION: Olson: "I move to proceed with the transplant of two or three pairs of river otter for two years to Nebraska."

Oakland seconded, motion carried.

8. ELK TRANSPLANT

The National Bison Range removed some elk to be transplanted where appropriate; and Nebraska would like four young bulls for the Fort Niabrara National Wildlife Refuge.

MOTION: Olson: "I move to send four bull elk to Nebraska for the Niobrara Wildlife Refuge."

Jenson seconded, motion carried.

9. SPECIAL HUNTS AND CLOSURES

As a matter of information:

1. Extension of archery season to January 5 for deer.
2. HD #330 special antlerless whitetail deer season. November 27 a drawing at Ennis 80 licenses were awarded for weekend periods until Christmas.
3. Special antelope season HB #313. 15 permits were validated.
4. Closed - either sex season in #442, #427, #424, #428 where quotas were reached. Big horn sheep closure in #502.

10. DOUGLAS ISLAND ACQUISITION

Carl and Mildred O'Neil have offered Douglas Island in Flathead Lake to the Department for \$14,000. This is a total of .52 acre and a good goose

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to have one reservoir in the system with a different season than the others, Mr. Whitney recommended a winter set line season at the Helena Valley Reservoir.

MOTION, Mr. Klabunde: "I move that the Helena Valley Regulating Reservoir in Lewis and Clark County shall be open to set line fishing for all species from January 15, 1970 through March 31, 1970. Up to six (6) lines with no more than six (6) hooks per line shall be allowed per person. Regulations governing the 1969-70 fishing season shall apply.

The above notice to be published in the Independent Record, Helena, and posted in three places in the locality." Seconded by Mr. McDonough. Messrs. Klabunde, McDonough and Clausen voted aye. Mr. McCaffery voted no. Motion carried.

12. ABOVE SEASON FOR 1970 MAP -- MOTION, Mr. Klabunde: "I move that the Helena Valley Regulating Reservoir in Lewis and Clark County shall be open to set line fishing for all species from December 1, 1970 through March 1971.

The above regulation will appear on the 1970 Fishing Regulations." Seconded by Mr. Clausen. Messrs. Klabunde, Clausen, and McCaffery voted aye. Mr. McDonough voted no. Motion carried.

13. MOOSE LICENSE REFUND -- Mr. Freseman presented a letter from a 12-year old Butte resident who returned his moose license with the explanation that his father works out of town and he had no way of going hunting.

MOTION, Mr. McCaffery: "I move to approve a refund of \$25.00 for Moose License No. 189 issued to Michael Lemler, Butte, Montana." Seconded by Mr. Clausen. Carried.

14. AWARDS FOR SOMERS & FLIGER -- Mr. Floyd Deremer of Missoula, representing the Shikar-Safari Club International, presented the Wildlife Officer Award of the year and a check for \$50.00 to State Fish and Game Warden Ray L. Somers of Conrad and the Award for Meritorious Service in the Field of Conservation of Wildlife and Natural Resources to Mr. Roger R. Fliger, District Information Officer at Great Falls.

15. NATURAL RESOURCES DEVELOPMENT POLICY -- (Item 66, December 12, 1969) -- Mr. Posewitz had distributed copies of a suggested policy which was expanded to include all interests engaged in the harvesting or extracting of natural resources.

MOTION, Mr. McDonough: "I move to adopt the following Natural Resource Development Policy:

The Montana Fish and Game Commission recognizes the nation's need for an expanded and continuing supply of natural resources and recognizes the economic opportunities associated with the development of these resources. The Fish and Game Commission also recognizes the variety of environmental and ecological problems

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12.5.102 NATURAL RESOURCES DEVELOPMENT POLICY (1) The Montana fish, wildlife and parks commission recognizes the nation's need for an expanded and continuing supply of natural resources and recognizes the economic opportunities associated with the development of these resources. The commission also recognizes the importance of such development being orderly and planned. The commission believes that development in Montana must incorporate fish and wildlife values, both economic and intrinsic, through recognition of the importance of habitat, reclamation, sustainable development with protection for wildlife, maintaining high quality of water resources, and involving the many different publics who have a vital stake in Montana's fish and wildlife resource. (History: 87-1-301, MCA; IMP, 87-1-201, 87-1-301, MCA; Eff. 12/31/72, AMD, 1996 MAR p. 1836, Eff. 7/4/96.)

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copies of the organization's legislative proposal to define, license and regulate outfitting and guiding in Montana, establish regulations for nonresident hunters and repeal some of the existing statutes. Mr. Rich asked the Commission to support this proposal. Mr. King advised him they would study the proposal and make a decision at the next meeting.

34. OUTFITTERS' MEETING -- Mr. Art Weikum, Augusta, invited the Commissioners, department personnel, and others who are interested, to attend the Montana Outfitters and Dude Ranchers Association meeting in Bozeman, December 10-12, 1970.

35. CLOSING LAND & WATERS FOR HUNTING -- Mr. Freeman said problems have resulted from closing certain waters to waterfowl hunting. He suggested a policy on closing lands and waters to hunting in order to cooperate with landowners and the various agencies we deal with. The proposal was read and discussed.

MOTION, Mr. McDonough: "I move to adopt the following policy on closing land and waters for hunting:

WHEREAS, The authority for Commission action in Sections 26-104 (Subsections 15 and 16) and 26-127, RCM 1947, does not adequately set out the procedures for closing to hunting certain lands and waters, and

WHEREAS, The problem has been forcefully brought to the Commission's attention in the closing of certain reservoirs for goose management, and

THEREFORE, It shall be the policy of the Montana Fish and Game Commission to require written notification to private landowners and administering land agencies for public land, when considering closing a part or parcel of these lands or waters to hunting. This notification shall be made at least twenty (20) days prior to the Commission meeting scheduled for consideration of such closure. The Commission will require copies of all letters of notification and all letters of reply when a decision is to be made on any proposed closure. The application of this policy is restricted to situations wherein the lands and waters are limited areas dealing with species management techniques. This policy does not apply to the general game management procedures involved in hunting districts."

Seconded by Mr. Clausen. Carried.

36. HUNTING RIGHTS -- Mr. Freeman said there is a possibility that the department should become involved in the leasing of hunting rights around certain water areas. This has been done quite successfully in Colorado where the Game Commission signs up landowners in big blocks and handles the hunting public on these areas. A problem is developing at Freezout and Mr. Freeman asked if the Commission was interested in pursuing this type of management.

6.

DIRECTOR TO DECLARE SEASONS -- MOTION, Mr. Hanson: "I move that during 1956 and until the end of the current big game season in March 1957, we authorize the Director to declare special seasons in cases where game damage is occurring and a recommendation from the district warden supervisor and the district game manager has been received, such season to be confirmed at the following Commission meeting." Seconded by Mr. Sweet. Carried.

7.

SPECIAL BIG GAME SEASONS -- MOTION, Mr. Hanson: "I move to approve the following big game seasons in District 4." Seconded by Mr. Skibby. Carried.

ANTELOPE -- MEAGHER - The following described area shall be open to either sex antelope hunting from November 24 to December 16 by special permit only: That portion of Meagher County lying south of the Chicago, Milwaukee, and St. Paul Railroad tracks and west of Bozeman Fork Creek. Fifty special permits will be issued by drawing at 10:00 A.M. on November 24 in White Sulphur Springs. An antelope coupon or rejection card will be required.

ANTELOPE -- MEAGHER - The following described area shall be open to either sex antelope hunting from November 24 through December 16 by special permit only: Beginning at the town of White Sulphur Springs and in a westerly direction along the Birch Creek road to Little Birch Creek, thence up Little Birch creek to the Forest Service boundary, thence in a southerly direction along the Forest Service boundary to Highway 6, thence along Highway 6 to White Sulphur Springs, the point of beginning. Fifty special permits will be issued by drawing at 10:00 A.M. on November 24 in White Sulphur Springs. An antelope coupon or rejection card will be required.

DEER -- MEAGHER - The following ranches in southwestern Meagher County on Sixteen Mile drainage, shall be open to either sex deer hunting by special permit only: The Connor Land and Livestock Company, Willard S. McDonald Ranch, George Roberson Ranch. Two hundred special permits will be issued beginning November 24 at license dealer agents in White Sulphur Springs. Permits will be issued on a first come, first served basis and will be valid from November 24 to December 23. No special deer coupon will be required.

DEER -- MEAGHER - The L. E. Dunkel Ranch in northeastern Meagher County on the upper Smith River drainage shall be open to either sex deer hunting by special permit only. Two hundred special permits will be issued beginning November 24 at license dealer agents in White Sulphur Springs. Permits will be issued on a first come, first served basis and will be valid from November 24 to December 23. No special deer coupon will be required.

ELK -- CASCADE, CHOTEAU and JUDITH BASIN - The Highwood Mountains area shall be open to elk hunting, by special permit only, from November 25 to December 23, 1956. The area included the portions of Cascade County and Judith Basin County north and east of Highway 87 and the portions of Chouteau and Cascade Counties west and south of the Milwaukee Railroad tracks. Special permits will be issued by drawing at 2:00 P.M. on November 24 as follows: Highwood, 40 either sex permits and 20 antlered bull permits; Ceyser, 40 either sex permits and 20 antlered bull permits; Square Butte, 40 either sex permits and 20 antlered bull permits.

ELK -- LEWIS and CLARK - The Beaver Creek drainage above the big game closure shall be open to elk hunting by special permit only from November 25 to December 23. This area is located approximately four miles northwest of

biologists, supervisors and wardens working in conjunction with sportsmen and landholders. In the case of antelope, quotas for all areas are pending completion of late spring aerial census.

MOTION, Mr. Shipley: "I move to adopt the 1957 antelope areas and dates as presented." Seconded by Mr. Hanson. Carried. (Printed regulations appear as Pages 258c and 258d.)

→ 31.

SHEEP PERMIT POLICY -- Last year in Area No. 201, which was comprised of portions of Madison, Gallatin, Park, Sweet Grass, Stillwater, and Carbon Counties, unlimited permits were issued for male sheep with three-quarter curl horns. Department personnel feel this type of management should be continued on an experimental basis for at least another year in order to evaluate this type of hunting pressure. The success ratio has been about ten percent in Area 201 during the past three years under both the permit drawing system and the unlimited hunting system. The sheep in this large area are widely dispersed and hunting is difficult because of terrain and weather conditions. Biologists feel the taking of adult rams should be beneficial to the management of the herd. After considerable discussion of the two types of bighorn hunting, the following motion was made:

MOTION, Mr. Black: "I move that we continue the management of Area 201 as unlimited the same as last year. Anyone who obtained a permit there last year is eligible for a permit again this year in this area. It is further understood that if they get a permit in the unlimited area they cannot get one in the limited areas for ten years." Seconded by Mr. Hanson. Messrs. Black and Hanson voted "Aye." Messrs. Sweet and Shipley voted "No." There being a tie, it was necessary for the Chairman to vote. Mr. Skibby's "Aye" vote carried the motion.

32. SPECIAL 1957 GOAT, SHEEP AND MOOSE SEASONS -- Following presentation of recommendations by Department personnel, the following motion was made:

MOTION, Mr. Shipley: "I move to adopt the 1957 goat, sheep and moose seasons as presented and as printed on pages 258c and 258d." Seconded by Mr. Hanson. Carried.

33. APPLICATION INSTRUCTIONS -- A lengthy discussion ensued on policy and methods of issuing antelope permits and \$20.00 deer permits. Recommendations of the Helena staff were distributed for study. Non-resident antelope hunters are needed for a sufficient kill in some areas and the problem arose of assigning areas for non-resident hunters as some landholders and sportsmen's groups have asked that no non-resident antelope permits be issued in their areas. Quotas will be set on all areas and the non-resident hunter will have a chance to receive surplus permits. Deer areas will be assigned quotas for non-residents.

The Commission decided against issuing \$20.00 deer permits west of the Divide as the demand was small last year. Generally these permits are to be issued from the Helena office before hunters enter the State. Because of the overpopulation of deer, an unlimited number will be available for Fergus and Petroleum Counties (Areas 410 and 411). Permits will be available from license agents in these areas.

following information to the Commissioners: National Forest Elk Stocking Policy, Northern Yellowstone Elk Management Plan, Memorandum of Agreement with the Bureau of Land Management, complete file of a typical elk transplant, and a guide to personnel for administering elk transplants.

23. SPECIAL SEASON POLICY -- Mr. Freeman discussed a proposed policy of procedure to be followed in regard to special postseason big game hunts.

MOTION, Mr. Hanson: "I move to approve the following policy for big game special postseason hunts:

POLICY, BIG GAME SPECIAL POSTSEASON HUNTS

WHEREAS, there exists the possibility of unforeseen big game damage, rapidly changing field conditions and the development of local big game management problems and

WHEREAS, there exists a need for Commission action to remedy such damage and problems on short notice, often between regularly scheduled Commission meetings,

NOW, THEREFORE, the following policy relating to special postseason hunts on big game is adopted:

1. Special postseason hunts of big game species may be declared as necessary, primarily to alleviate damage to private property and lands. However, such seasons may also be declared for big game management problems requiring additional harvest of animals. Such seasons will be based on field investigations of the damage complaint or the big game management problem. The seasons and regulations will be specified and scheduled during the period between the close of the regular big game season and no later than March 1, each hunting year.
2. The District Supervisor will make the necessary recommendations to the Director for any special postseason hunt on big game species. Said recommendations shall include supporting data resulting from investigation of the damage complaint or big game management problem.
3. When immediate Commission action is needed to declare a special postseason hunt, the Director shall hold a telephone conference with the Commission to obtain their action on the proposed season. If the season is approved, the Director will proceed with the declaration of the season. Such seasons will be formally adopted at the next regularly scheduled Commission meeting.

Seconded by Mr. Leipheimer. Carried.

24. WYOMING REGULATIONS -- Mr. Leipheimer mentioned that Wyoming sets big game season dates on a five-year basis and asked the department personnel to consider this plan. He was advised that the department

32. BIG GAME SEASON DISCUSSION -- Messrs. Wynn Freeman; Orville Lewis; Lloyd Casagrande; Steve Bayless; and LeRoy Ellig, the District Three Supervisor, were present. Mr. Freeman outlined the basic statewide regulations. A list of correspondence from the public concerning the tentative opening dates and boundaries, and recommendations from the district personnel were given to the Commissioners. Mr. Freeman led a discussion of proposed regulations by district for each species. The tentative deer and elk regulations for District One were approved.

Several changes were made in District Two. The Bitterroot seasons were shortened considerably and the Skalkaho Game Preserve will remain closed to hunting. Mr. Leipheimer wanted that portion of District 215 lying south of Dry Cottonwood Creek closed to big game hunting but was overruled by the other Commissioners. Mr. Leipheimer felt that because of the landowners' request, the area should be closed to hunting in order to build up the game population.

District Three regulations were approved except that decisions on Districts 310 and 312 were bypassed pending visitation of a delegation and phone calls not yet completed.

The Commissioners agreed upon a number of changes in Districts Four through Seven.

The antelope hunting districts were discussed individually and approved with one addition in District Four and two changes to coincide with deer boundaries in District Seven.

The tentative bighorn sheep regulations were accepted with the exception that the Commission accepted Mr. Weintz' recommendation that District 42 (Sun River) open on October 18 rather than September 13.

33. SHEEP DIAGRAM -- MOTION, Mr. Weintz: "I move that each bighorn sheep license holder receive with his license, the official department diagram of what constitutes a three-quarter curl ram." Seconded by Mr. Leipheimer. Carried.

34. POLICY ON OPENING DATE FOR EARLY SEASONS -- A discussion ensued on the desirability of formulating a policy to provide for a uniform early season opening date for seasons other than antelope. The following motion is to become effective with the 1965 season.

MOTION, Mr. Leipheimer: "I move that the general early opening date for early big game seasons (except antelope) shall be September 15." Seconded by Mr. Weintz. Carried.

Mr. Hanson left the meeting at 11:30 A.M.

35. MOOSE CENSUS -- Mr. Freeman reported on the moose census taken with fixed wing aircraft in District 32 on March 2 and 3, 1964. A total of 280 moose was counted. About a week later, several ranchers were taken on a helicopter flight and 100 moose were seen. In the area flown, the number of moose corresponded to those seen in the original flight.

Recess was called for lunch at 11:45 A.M.

and tag for each turkey. In the event a hunter purchased a license for the spring hunt and did not use it, the license would still be valid for use during the fall hunt provided that both hunts took place during the same license year.

MOTION, Mr. Leipheimer: "I move to adopt the following policy: Properly licensed hunters may take one male wild turkey during the spring season and one either sex turkey during the fall season. Persons holding valid unused turkey tags may hunt in any season with such tags." Seconded by Mr. Hanson. Carried.

72. TURKEY SEASON -- Department recommendations were approved for a spring wild turkey gobbler season in the Ashland Division and the Long Pines Area of the Custer National Forest.

MOTION, Mr. Leipheimer: "I move that the areas described below in Carter, Custer, Rosebud and Powder River Counties shall be open to the hunting of male Merriams Wild Turkey by special wild turkey license holders only from one-half hour before sunrise to one-half hour after sunset each day, commencing May 1, 1966 through May 15, 1966:

Ashland Division: (Ashland-Fort Howe Districts) That portion of the Custer National Forest known as the Ashland Division within the following described boundary: Beginning at the junction of U. S. Highway 312 and the Miles City-Tongue River-Ashland Road, thence in a southerly direction along said road to the Brandenburg Bridge on the Tongue River, thence in a southerly direction up the Tongue River to the Montana-Wyoming state line, thence in an easterly direction along said state line to the Powder River, thence in a northeasterly direction along the Powder River to the U. S. Highway 212 Bridge near Broadus, thence in a westerly direction along U. S. Highway 212 through Broadus to the junction of Highway 312, thence in a northerly direction along U. S. Highway 312 to the junction of the Miles City-Tongue River-Ashland Road, the point of beginning.

Sioux Division: (Long Pines Area) That portion of Custer National Forest known as the Long Pines area within the following described boundary: Beginning at Sykes Bridge and Box Elder Creek, thence in a northerly direction down Box Elder Creek to the bridge on the Mill Iron-Camp Crook Road, thence in a southeasterly direction on the Mill Iron-Camp Crook Road to the South Dakota State line, thence south along the South Dakota state line to the Tie Creek Road, thence west and northerly along the Tie Creek Road to Sykes Bridge, the point of beginning.

License: Special wild turkey license \$2.00: Applicants for wild turkey licenses must be in possession of a valid Class A-1 Resident Game Bird License or Class B-1 Nonresident \$25.00 Bird License or Class B-2 Nonresident \$100.00 Big Game License. Special turkey licenses may be obtained from the Helena office of the Montana Fish and Game Department, District Headquarters Offices, and license dealers.

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been very low. Unlimited bighorn sheep licenses are valid for Districts 301 and 501 and Exception 301.1

Seconded by Mr. Leipheimer. Carried.

70. GOAT CLOSING DATES AND TENTATIVE QUOTAS -- There was a discussion as to whether or not a quota might be needed in Districts 27, 15 and 131 in the future.

MOTION, Mr. Leipheimer: "I move to adopt the following closing season dates for the 1966 mountain goat season and tentative goat quotas as follows:

Dist. No.	Name	Tentative Quota	Season Length
10	Kootenai	25	Sept. 15-Oct. 30
12	Clark Fork	10	Sept. 15-Oct. 30
13	Swan	35	Sept. 15-Oct. 30
14	Lower South & Middle Forks	50	Sept. 15-Oct. 30
15*	Upper South & Middle Forks	Unlimited	Sept. 15-Oct. 30
131*	Mission Mountains	Unlimited	Sept. 15-Oct. 30
24*	West Bitterroot	Unlimited	Sept. 24-Nov. 27
25	West Fork	25	Sept. 24-Nov. 27
27*	East Fork Bitterroot	Unlimited	Sept. 24-Nov. 27
212	North Flint Creek Range	10	Sept. 24-Nov. 27
213	South Flint Creek Range	3	Sept. 24-Nov. 27
222	Pintlar	45	Sept. 24-Nov. 27
261	Sapphire Range	5	Sept. 24-Nov. 27
280	North Blackfoot	15	Sept. 15-Nov. 27
281	Rattlesnake Creek	10	Sept. 24-Nov. 27
312	Pioneer-Horse Prairie	30	Sept. 15-Nov. 27
313	Crazy Mountains	100	Sept. 15-Nov. 27
320	Tobacco Root Mountains	10	Sept. 15-Nov. 27
322	South Big Hole	10	Sept. 15-Nov. 27
323	Yellowstone-Boulder	10	Sept. 15-Nov. 27
324	Spanish Peaks	5	Sept. 15-Nov. 27
325	Hilgard	10	Sept. 15-Nov. 27
47	Square Butte	5	Oct. 23-Nov. 27
414	Teton	80	Sept. 15-Nov. 27
431	Sleeping Giant	5	Sept. 15-Nov. 27
451	Gates of the Mountains	15	Sept. 15-Nov. 27
514	Rock Creek	20	Sept. 15-Nov. 27
515	Boulder-Stillwater	15	Sept. 15-Nov. 27

*Unlimited mountain goat licenses are valid in any unlimited area.

Seconded by Mr. Hanson. Carried.

71.

TURKEY TAG POLICY -- District Seven personnel have requested clarification of Commission policy regarding the seasonal limit on wild turkeys. The district recommendation was to allow licensed turkey hunters to kill one male wild turkey during the spring hunt, and in addition one either sex turkey during the special season in the fall. This would allow a hunter to take two turkeys during the license year. The hunter would be required to purchase a license

Reichle Reservoir by specifying that the Fish and Game Department would have the major say in determining the feasibility of the fish barrier.

14. HUNTER SAFETY AWARD -- Governor Babcock; Mr. Raymond Hoem, Big Timber, member of the Board of Directors of the National Rifle Association; and Mrs. Joyce MacDuffie who supervises the department's hunter safety program, entered the meeting. On behalf of the N.R.A., Mr. Hoem presented Governor Babcock with an award for outstanding achievement in the field of hunter safety during the year 1966 as determined by the International Association of Game, Fish and Conservation Commissioners. The Governor then presented the award to the department.
15. JEFFERSON-WHITEHALL PROJECT -- Discussion continued on the Bureau's offer to meet the requirements as set forth by the Commission to assure recreation, fish and wildlife enhancement features of the project. There was considerable discussion of different possible means of financing the state's share of project costs.

MOTION, Mr. Staves: "I move to reaffirm the Commission's opposition to structures on blue ribbon trout streams; however, the Bureau of Reclamation has met all of the requirements set forth by the Fish and Game Commission that were necessary to assure recreation, fish and wildlife enhancement features of the Jefferson-Whitehall project. These requirements are to be included in the authorization of the project and have been verified by a letter of January 19, 1967, to the Commission under the signature of Harold Aldrich, Regional Director. The Commission therefore withdraws its opposition to this project." Seconded by Mr. Hanson. Carried.

16. PROJECT CERTIFICATION -- MOTION, Mr. Staves: "I move that the Montana Fish and Game Commission shall administer the project land and water area for recreational and fish and wildlife enhancement of the public lands within the Jefferson-Whitehall project. Further the Commission agrees to bear one-half the separable costs of the project allocated to recreation and all of the costs of maintenance and operation of the recreation facilities. The qualifications placed on this agreement are that the following be placed in the final authorization for the Jefferson-Whitehall project: (1) the assurances agreed upon between the Bureau of Reclamation and the Fish and Game Commission as represented in Harold Aldrich's letter of January 19, 1967, and (2) the recommendations found on pages 9 and 10 of the Regional Director's section of the Bureau of Sport Fisheries and Wildlife report, 'A Detailed Report on the Jefferson and Whitehall Units, March 1965.'" Seconded by Mr. Hanson. Carried.

17. BIG GAME OPENING DATES -- There was a discussion of the three-year policy on opening dates as adopted in Item 39, January 17, 1966. Under the policy the regular big game season opens the fourth Sunday in October which is generally acceptable this year but some objections have been raised in western Montana to the 1968 opening which would be on October 27. It was decided to continue with the policy this season and any recommendations for exceptions should be based on sound justification.

date.

63. HUNTER MAPS -- Mr. Max Stone discussed the format of the deer, elk and bear hunting regulations map which should be ready for distribution about July 1 this year.
64. POLICY ON OPENING DATES -- Mr. Dunkle suggested that the opening date of the general hunting season should be clarified first in order to proceed with consideration of the big game seasons.

Mr. Rieder said that after listening to the testimony yesterday and to recommendations from department personnel, the Commission tentatively agreed to the first Sunday after the 16th of October. Although the Saturday opening was favored by many sportsmen, this would mean the season would open on the 16th twice in the next ten years. It was felt this was too early for the livestock people. Under this policy the season would open between the 17th and the 23rd of October, including both dates.

MOTION, Mr. Rieder: "I move that the Commission policy on opening dates shall be as follows:

General big game season -- First Sunday following October 16

1971 -- October 17	1977 -- October 23
1972 -- October 22	1978 -- October 22
1973 -- October 21	1979 -- October 21
1974 -- October 20	1980 -- October 19
1975 -- October 19	1981 -- October 18
1976 -- October 17	

Antelope season -- One week preceding the big game season

Back country season -- September 15

Seconded by Mr. Emmons. Carried.

65. OPENING DATE OF 1971 ANTELOPE SEASON -- MOTION, Mr. Emmons: "I move that all antelope seasons scheduled to open on October 16 shall open on October 10, 1971. Other antelope opening dates will remain the same as they appear on the maps. This motion amends the opening dates that were adopted on January 20, 1971.

The above notice to be published in the Daily Inter Lake, Kalispell; Missoulian, Missoula; Montana Standard, Butte; Independent Record, Helena; Tribune, Great Falls; Bozeman Daily Chronicle, Bozeman; Lewistown Daily News, Lewistown; Billings Gazette, Billings; Miles City Star, Miles City; and posted at the seven Fish and Game District Headquarters Offices." Seconded by Mr. Rieder. Carried.

66. BIG GAME SEASON DISCUSSION -- Depredation Reports -- Mr. Freeman distributed a report of game depredation complaints from March 10, 1970 through January 19, 1971. This information will be considered in connection with season setting in the various districts.

Cooperator Comments -- The tentative deer and elk regulations

MOTION, Mr. Hagenston: "I move to approve Mr. Kaschke's request to transport about 25 surplus elk from the National Bison Range to Alberta, Canada." Seconded by Mr. Klabunde. Carried.

44. CONFIRM MIGRATORY WATERFOWL SEASON -- MOTION, Mr. Klabunde: "I move to confirm the adoption of the 1975-76 migratory waterfowl regulations for the Central and Pacific Flyway portions of Montana as tentatively adopted on August 8, 1975, in Item 67." Seconded by Mr. Hagenston. Carried.

45. SEASON OPENING DATES POLICY -- Item 49, 8-8-1975 -- Mr. Joe Egan reviewed the different season-setting policies that have been in effect in the past. The present policy of opening the general deer and elk season on the first Sunday following the 16th of October was adopted in 1971 and is incorporated in the Montana Administrative Codes. There have been numerous requests that the big game season remain open over the Thanksgiving weekend. Mr. Hugh Brown advised that he believed the Commission could deviate from the rule somewhat without amending the code. Under this policy, if adequate season length is maintained, the season is open over Thanksgiving weekend about half the time. Over a ten-year period the most important factors determining harvest in the mountainous sections of the state are weather and length of the season. In the prairie sections, the amount of posted land and rainy weather that makes travel impossible are important factors. If the season opens too early here, there generally is fear of fire danger.

In order to minimize landowner-sportsmen problems, Mr. Egan recommended a Sunday opening rather than Saturday where the land is mostly privately owned. Following discussion the Commission decided to retain the present policy for the general big game seasons when the 1976 seasons are set. Consideration can be given to varying from this policy, according to our attorney, to cover local problems.

46. PHEASANT SEASON -- When the Commission set the opening day of the pheasant season on August 8, the opening hour was not determined. Mr. Freeman reported that three regions recommend the noon opening, two prefer a half-hour before sunrise and the others a Saturday noon opening. Mr. Freeman recommended the traditional Sunday noon opening because it promotes better landowner-sportsman relations, and that the season close on November 23. Mr. Hagenston said the people who hunt along the Yellowstone River would like the bird season open a week after the white-tailed deer season ends because of the danger of competing with the deer hunters. The Commission felt the general season structure in the state should end on the same day which would be November 23. Other season recommendations and regulations were discussed.

MOTION, Dr. Pengelly: "I move that the State of Montana shall be open to the hunting of ring-necked pheasants for a portion of each day from one-half hour before sunrise to sunset (except October 19 which shall open at noon). Sunrise-sunset times shall be in conformance with the sunrise-sunset schedule by zones adopted by the Montana Fish and Game Commission.

Windbreaks constructed of only ice and/or snow shall be excluded from the above regulations.

7. No person shall fish through a hole in the ice which has been cut larger than ten (10) inches in diameter.

8. Littering prohibited. Litter will include any part of a shelter not removed at specified times and residues from fires using materials other than wood.

9. It shall be prohibited for any person to cause any unsightly or unsanitary condition upon the ice or in the water or area adjacent thereto.

B. Penalty for violation: Violation of this order and regulations shall be punishable as provided in Section 26-324, Revised Codes of Montana, 1947, as amended.

The above notice to be published in the Billings Gazette, Billings, and the Harlowton Times, Harlowton, and posted in three places within the area.

Seconded by Mr. McCaffery. Carried.

32.

POLICY ON OPENING DATES

-- Before considering the seasons, it would be appropriate for the Commission to set a general policy on opening dates. This would enable the department to arrive at antelope, moose, goat and bighorn sheep seasons and to send to the clubs, a coordinated opening date for deer and elk seasons. There was considerable discussion on opening dates. It was pointed out that there is public interest in opening the deer and elk season as near the 15th of October as possible. There have also been complaints about the present policy of opening the deer and elk season on the fourth Sunday in October. To accomplish the desires of the hunting public and to allow for the removal of stock from public lands, which is generally by the 15th of October, the Commission took the following action:

MOTION, Mr. McCaffery: "I move to adopt the following general policy for the opening of big game seasons:

Back country seasons	September 15
General antelope	2nd Sunday in October
General big game	3rd Sunday in October

Seconded by Mr. Clausen. Carried.

33.

SPECIAL SEASONS QUOTAS -- Mr. Freeman distributed information concerning the antelope, moose, sheep and goat seasons. He recommended tentative quotas in accordance with last year's final quotas. These would be printed on the map but subject to readjustment in August if changes are necessary when the final surveys are made.

MOTION, Mr. Clausen: "I move to adopt tentative quotas for the

against pesticides. He read a lengthy criticism of the article. Mr. McCaffery asked him if he would like space made available in the magazine to present his views on the use of pesticides. Mr. Osburn said he would welcome such an opportunity.

Chairman King and Mr. McCaffery expressed the opinion that anyone who feels that an article has been improperly presented to the public should have the opportunity to present his views.

25. STOCKGROWERS -- Mr. Mons Teigen, Secretary of the Montana Stockgrowers Association, Helena; Messrs. Ted Lucas, Highwood; Byron Berg, Martinsdale; Cliff Johnson, Stockett; and A. C. Grande, Lennep; recommended that the general big game season open on the 4th Saturday in October each year with a duration of not more than five weekends except in the southeastern portion of Montana where a longer season might be necessary to provide the adequate harvest. This would give the ranchers time to move cattle off the national forests. Mr. Grande mentioned that most ranchers feel the seasons are too long -- from bird seasons through the big game.

26. BITTERROOT -- Mr. Virgil R. Rockford, Victor, representing the Ravalli County Fish and Wildlife Association, submitted recommendations from that group for a season similar to last year's and would only support an early bull elk season if it was statewide. He submitted a letter from the Bitter Root Valley Stockmen's Association, Hamilton, protesting early seasons and the spotting and chasing of big game from the air.

Mr. Gene Thurston, Conner, President of the Bitterroot Outfitters and Guides Association, expressed satisfaction with last year's big game season.

- * 27. OPENING DATES POLICY -- Mr. Freeman recommended that the ~~general big game season~~ open on the 4th Saturday in October. Mr. Clausen suggested the 20th of October and Mr. 'Smoke' Elser, guide from Missoula, agreed with this as the high country he hunts is generally inaccessible the latter part of the season. Mr. H. G. Anderson, Great Falls, speaking as an individual, objected to the weekend opening because too many people are out and he believes the serious hunter will make arrangements to hunt opening day even if it is during the week. Mr. Freeman advised that the majority of sportsmen prefer a weekend opening date.

Mr. Bumstead of the Regional Forester's Office said that cattle on the national forests beyond the grazing date are considered in trespass. However the forest ranger concerned can make adjustments as needed. Mr. Don McIntosh, Bureau of Land Management, Billings, said there is no definite off-date for cattle using BLM lands in eastern Montana. Mr. Erv Malnarich, Hamilton, said he would be greatly satisfied if the opening date could be on the 4th Saturday in October each year.

MOTION, Mr. McCaffery: "I move to adopt the following policy on

* Policy changed in Item 64, April 13, 1971.

**FWP Commission Policy
on the Development of Management Plans and Regulations
to Address Recreational Conflicts on Rivers**

**As Adopted by FWP Commission
June 15, 2000**

I. PURPOSE

The purpose of this policy is to provide guidance to the department of fish, wildlife and parks and to advisory committees established by the department or the commission that are developing management plans and regulations to address recreational use conflicts on rivers. This policy relates to the adoption of rules, regulations or management plans under the authority provided in 87-1-303(2), MCA.

II. DEFINITIONS

As used in this policy, the following definitions apply:

- (1) "Appropriate for the river" means recreational uses that are consistent with the protection of private property and public resources and which are in the interest of public health, public safety and public welfare. "Appropriate for the river" does not mean that every type of recreational use must be permitted.
- (2) "Reasonable and equitable" means an allocation of recreational use that fairly considers the interests of all types of recreational uses appropriate for the river but is not intended to mean that each type of recreational use must have the exact same share of use.
- (3) "Rivers" means any public river or stream that is legally accessible to the public.
- (4) "Recreational use" includes but is not limited to floating and wade angling; recreational floating; motorized and non-motorized use; private and commercial use; and water fowl hunting.

III. CONTENT STANDARDS FOR PLANS AND REGULATIONS

Management plans and regulations to address recreational use conflicts on rivers that are adopted pursuant to 87-1-303(2), MCA, must:

1. Conserve and maintain natural resources and natural processes so that current recreational use does not significantly impair the recreational opportunities of future generations.
2. Provide a reasonable and equitable distribution of opportunity for recreational use among the various types of recreational uses that are appropriate for the river;
3. Be based on data and information about recreational use patterns, trends and conflicts;
4. Be technically, legally, socially and economically feasible for FWP to implement;
5. Resolve conflicts between various recreational uses in ways that have the least adverse impact on recreational users;
6. Seek balance between providing a quality recreational experience and providing an unlimited quantity of recreational opportunities;
7. Consider the implications of the resolution of a recreational use conflicts on other rivers;

8. Provide mechanisms for monitoring and evaluation to ensure the management plan or regulations achieve their stated goals and objectives;
9. Recognize recreational use of a river is allocated by this Commission, and that the Commission has the authority to modify the allocation or adopt another system of allocation should circumstances or conditions change;
10. Ensure that any allocation of recreational use of a river does not vest or establish in a person or business any right to continue to have an allocation of recreational use in the future, whether the use is for private purposes or part of a commercial venture.

IV. PROCESS STANDARDS FOR PLANS AND REGULATIONS

The process used for developing management plans and regulations to address recreational use conflicts on rivers that are adopted pursuant to 87-1-303(2), MCA, must:

1. Be inclusive of the perspectives and interests of the various stake holders in the recreational use conflicts;
2. Be an open and public process that involves and engages recreational users and other affected citizens;
3. Be driven by the physical, biological and social factors that are unique to the river;
4. Result in proposals to be recommended to the FWP Commission for adoption.

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3. Discharge a firearm within one mile of an occupied building.
4. Construct an open campfire.
5. Camp overnight without permission of landowner.

EXCEPTIONS: Landowners in the course of ranch administrative work and federal, state and county officials in the course of their official duties will be exempt from these regulations.

The above regulations to be published in the Judith Basin Press, Stanford, and posted in three places in the special management area." Seconded by Mr. Bishop. Motion carried.

27. **FLATHEAD GRIZZLY BEAR POLICY** -- Department Attorney F. W. Wright presented a policy for grizzly bear problems in the Flathead Area. He said there are grizzly bear on the Flathead Reservation. The grizzly bear is classified threatened by the federal government. The department works with the U. S. Forest Service, Fish & Wildlife Service and Canadian government involving these bears.

Mr. Wright discussed the different jurisdictions on the Flathead Indian Reservation. The above-mentioned organizations have met and discussed a proposed policy for handling grizzly bear problems. He explained the proposed policy. Mr. Wright noted responsibility for final action rests with the field officer in charge of the problem. The field officer may be tribal, federal or state personnel. He said live bears that cannot be transplanted successfully are released in Canada. Mr. Wright said the tribe has agreed with the contents of the proposed policy.

Mr. Newby said he could not over-emphasize the importance of such a policy. He commented on the recent two deaths from a grizzly bear attack at St. Mary. He believed if such a policy had been in effect for that area the two young people might not have perished. He strongly favored the agreement.

MOTION, Mr. Sherron: "I move that the department policy for handling grizzly bear problems on the Flathead Reservation be as follows:

When department personnel receive notice of a grizzly bear problem on the Flathead Reservation, the following information should be ascertained and action taken:

1. Determine location of the problem grizzly bear. Note whether bear is on patent, state, or tribal lands. Regardless of location of bear, notify tribal biologist or tribal game warden and take appropriate action in cooperation with designated tribal representative. Responsibility for final action rests with the field officer in charge of the problem.
2. When the department is to take action as to a problem grizzly bear and the bear is

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present.

29.

FIELD RECOMMENDATIONS -- The following motion was made as a result of discussion concerning individual recommendations that do not reach the Helena office when the district staff submits a recommendation based upon the opinions of the majority.

MOTION, Mr. Shipley: "I move that in order to provide closer cooperation and harmony in the matter of setting seasons hereafter that all field personnel, wardens and biologists alike, attempt to reach an agreement on a district level but failure to do so because of differences of opinion shall be treated as individual cases so that no one's opinion may be overlooked and the dissenting individual be requested to write his season recommendation to the district supervisory personnel who shall forward it to the Director at Helena who will in turn bring the various sides of the controversial matter to the attention of the Commission for final decision." Seconded by Mr. Hanson. Carried.

30.

THE BIG GAME PLANTING AGREEMENT with the Forest Service, which has been signed by the Forest Service and approved by livestock organizations, was presented for signature.

MOTION, Mr. Shipley: "I move to authorize the Chairmen to sign the Joint Montana Fish and Game Commission-Forest Service Planting Policy for Big Game Animals in Montana." Seconded by Mr. Hanson. Carried.

31.

FISHER AGREEMENT -- An agreement with the Forest Service was presented for approval which outlines the methods of obtaining fisher from British Columbia for transplanting in Montana forests.

MOTION, Mr. Shipley: "I move to authorize the Chairman to sign the Cooperative Agreement with the United States Forest Service for Re-establishing Fisher in Montana Forests." Seconded by Mr. Hanson. Carried.

32.

KLINE PROPERTY -- The Commission's approval was requested on a lease of approximately 600 acres of the Kline property to an adjoining landowner for agricultural purposes. In addition to cash payment, there are numerous conditions including Mr. Kilgore's agreement to maintain fences, conduct necessary weed control, and maintain a public camp ground.

MOTION, Mr. Shipley: "I move to authorize the Chairman to sign the Jess Kilgore, Three Forks, lease on a portion of the Kline property for a one year period for \$150.00 and considerations." Seconded by Mr. Sweet. Carried.

33.

BEAVER CREEK CONTRACT -- MOTION, Mr. Hanson: "I move to authorize the Chairman to sign the contract with F. L. Flynn and Company, Billings, for completion of the Beaver Creek Reservoir." Seconded by Mr. Shipley. Carried.

34.

SPECIAL ELK AND DEER SEASONS -- Confirmation was requested for (1) an elk season opened in order to control damage caused in order to control damage caused by a planted herd, (2) a permit elk season on the Fort Peck Game Range and (3) a second deer for the Snowy Mountain area.

MOTION, Mr. Shipley: "I move to confirm the following seasons: DEER -